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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/867,180	05/29/2001	Toshihito Terada	01320/LH	6791
1933	7590	08/25/2005	EXAMINER	
FRISHAUF, HOLTZ, GOODMAN & CHICK, PC 220 5TH AVE FL 16 NEW YORK, NY 10001-7708			BURGESS, BARBARA N	
			ART UNIT	PAPER NUMBER
			2157	
DATE MAILED: 08/25/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/867,180

Applicant(s)

TERADA ET AL.

Examiner

Barbara N. Burgess

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4,6-8 and 10-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4,6-8 and 10-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

This Action is in response to Amendments filed June 15, 2005. Claims 5 and 9 have been cancelled as requested by applicant. Claims 1, 4, 6-8, 10-14 are presented for further examination.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 4, 6-8, 10-14-16 are rejected under 35 U.S.C. 103(a) as being anticipated by Teper et al (hereinafter, "Teper", 5,815,665) in view of Klug et al. (hereinafter "Klug", US 6,823,327 B1).

As per claim 1, Teper discloses a method for responding to access to a service provider site for providing contents via a communication network in which the service provider site transmits, when an access request is made from a requesting terminal of an affiliations site affiliated with the service provider site, contents of the service provider site to the requesting terminal, the method comprising:

- Storing user verification data and an identifier of the affiliation site, which is affiliated with the service provider site, in the service provider site (column 2, lines 62-66, column 5, lines 61-67, column 6, lines 1-3, 14-32);

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- Transmitting an access request from the affiliation site to the service provider site with the identifier of the affiliation site when the affiliation site receives an access request from the requesting terminal (column 6, lines 22-32, column 16, lines 19-40);
- Changing a part of the contents to be transmitted to the requesting terminal to predetermined information corresponding to the affiliation site when the access request is made via the affiliation site (col. 3, lines 65-67, col. 4, lines 1-15, lines 43-46, col. 5, lines 49-55, col. 6, lines 50-60); and
- Transmitting the contents including predetermined information the requesting terminal to and waiting for a user verification request from the requesting terminal before starting service provision (col. 9, lines 9-20);
- Storing user information of the requesting terminal relating to the service provision into a session control table relating to the affiliation site (column 8, lines 54-60).

Teper does not explicitly disclose:

- Determining whether the access request made via a one of the affiliation sites based on whether the access request includes the identifier of the one of the affiliation sites.

However, in an analogous art, Klug discloses the user may register at various third party websites that are affiliated with the registrar web site in an agreement reached between each such third party web site and the registrar web site. The registrar maintains a log of the third party websites requesting registration information (column 5, lines 20-50).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Klug's determining whether the access request is made via one of the affiliation sites based on the identifier of one of the affiliation sites in Teper's system in order for the registrar web site to determine the frequency and type of access of third party web sites by users.

As per claim 4, Teper further discloses:

- Accumulating a service usage time the service provider site when the access request is made via the affiliation sites (col. 3, lines 32-45 and col. 4, lines 30-40).

Teper does not explicitly discloses:

- Determining a charge based on the accumulated service usage time every predetermined period of time and conducting a charging procedure an enterprise of specific site.

However, in an analogous art, Klug discloses such measurements may be important in determining fees that can be charged (column 1, lines 40-45).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Klug's determining charge in Teper's system in order to gain payment for services rendered.

As per claim 6, Teper disclose a service information providing method in which a service provider site provides via a communication network to a user terminal of an affiliation site affiliated with the service provider site, a service item corresponding to an access request from the user terminal, the access request including an identifier of the affiliation site, the method comprising the step of:

- Storing an identifier of the affiliation site affiliated with the service provider site in the service provider site (column 2, lines 62-66, column 5, lines 61-67, column 6, lines 1-3, 14-32);
- Providing to the user terminal a predetermined content corresponding to the service item in response to the access request (col. 9, lines 9-20);
- Performing the predetermined processing based on a result of the determination (col. 3, lines 65-67, col. 4, lines 1-15, lines 43-46, col. 5, lines 49-55, col. 6, lines 50-60).

Teper does not explicitly disclose:

- Determining whether the access request made via a one of the affiliation sites based on whether the access request includes the identifier of the one of the affiliation sites.

However, in an analogous art, Klug discloses the user may register at various third party websites that are affiliated with the registrar web site in an agreement reached between each such third party web site and the registrar web site. The registrar maintains a log of the third party websites requesting registration information (column 5, lines 20-50).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Klug's determining whether the access request is made via one of the affiliation sites based on the identifier of one of the affiliation sites in Teper's system in order for the registrar web site to determine the frequency and type of access of third party web sites by users.

As per claim 7, Teper discloses wherein said predetermined processing is a processing for preparing an electronic mail in response to the response information and transmitting the mail via the communication network to another terminal which different from the user terminal, the electronic mail being transmitted to a terminal belonging to the one of the affiliation sites when the response information transmitted from one of the affiliation sites and to a terminal belonging the service provider site when the response information is not transmitted from the one of the affiliation sites (col. 10, lines 45-60 and col. 11, lines 35-45).

As per claim 8, Teper discloses an article of manufacture comprising a computer usable medium having computer readable program code means embodied therein for responding to access to a service provider site providing contents via a communication network in which the service provider site transmits, when an access request is made from a requesting terminal of an affiliation site affiliated with the service provider site, contents of the service provider site to the requesting terminal, the computer readable program code means comprising:

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- Computer readable program code means for storing user verification data and an identifier of the affiliation site, which is affiliated with the service provider site (column 2, lines 62-66, column 5, lines 61-67, column 6, lines 1-3, 14-32);
- Computer readable program code means for transmitting an access request from the affiliated site to the service provider site with an identifier of the affiliation site when the affiliation site receives an access request from the requesting terminal (6, lines 22-32, column 16, lines 19-40);
- Computer readable program code means for changing a part of the contents to be transmitted to the requesting terminal to predetermined information corresponding to the affiliation site when the access request is made via affiliation site (col. 3, lines 65-67, col. 4, lines 1-15, lines 43-46, col. 5, lines 49-55, col. 6, lines 50-60); and
- Computer readable program code means for transmitting the contents including predetermined information the requesting terminal and waiting for a user verification request from the requesting terminal before starting service provision (col. 9, lines 9-20);
- Computer readable program code means for storing user information of the requesting terminal relating to the service provision into a session control table relating to the affiliation site (column 8, lines 54-60).

Teper does not explicitly disclose:

- Computer readable program code for determining whether the access request made via a one of the affiliation sites based on whether the access request includes the identifier of the one of the affiliation sites.

However, in an analogous art, Klug discloses the user may register at various third party websites that are affiliated with the registrar web site in an agreement reached between each such third party web site and the registrar web site. The registrar maintains a log of the third party websites requesting registration information (column 5, lines 20-50).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Klug's determining whether the access request is made via one of the affiliation sites based on the identifier of one of the affiliation sites in Teper's system in order for the registrar web site to determine the frequency and type of access of third party web sites by users.

As per claim 10, Teper disclose an article of manufacture comprising a computer usable medium having computer readable program code means embodied therein for providing by a service provider site to a user terminal of an affiliation site affiliated with the service provider site via a communication network service item corresponding to an access request form the user terminal, the access request including an identifier of the affiliation site, the computer readable program code means comprising:

- Computer readable program code means for storing an identifier of the affiliation site affiliated with the service provider site in the service provider site (column 2, lines 62-66, column 5, lines 61-67, column 6, lines 1-3, 14-32);

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- Computer readable program code means for providing to the user terminal a predetermined content corresponding to the service item in response to the access request (col. 9, lines 9-20);
- Computer readable program code means for performing the predetermined processing based on a result of the determination (col. 3, lines 65-67, col. 4, lines 1-15, lines 43-46, col. 5, lines 49-55, col. 6, lines 50-60).

Teper does not explicitly disclose:

- Computer readable program code means for determining whether the access request made via a one of the affiliation sites based on whether the access request includes the identifier of the one of the affiliation sites.

However, in an analogous art, Klug discloses the user may register at various third party websites that are affiliated with the registrar web site in an agreement reached between each such third party web site and the registrar web site. The registrar maintains a log of the third party websites requesting registration information (column 5, lines 20-50).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Klug's determining whether the access request is made via one of the affiliation sites based on the identifier of one of the affiliation sites in Teper's system in order for the registrar web site to determine the frequency and type of access of third party web sites by users.

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As per claim 11, Teper discloses a method of providing a home page of a service provider site and a home page of an affiliation site affiliated with the service provider via a communication network, the method comprising:

- Storing an identifier of the affiliation site affiliated with the service provider site in the service provider site ();
- Receiving, by the affiliation site, the request for the home page of the service provider from a user of the affiliation site (col. 3, lines 65-67, col. 4, lines 1-15, lines 43-46, col. 5, lines 49-55, col. 6, lines 50-60);
- Transferring, by the affiliation site, the request for the homepage of the service provider to the service provider site with an identifier of the affiliation site (col. 3, lines 65-67, col. 4, lines 1-15, lines 43-46, col. 5, lines 49-55, col. 6, lines 50-60);
- Transmitting a home page to the user by the service provider site with the user is a member of the affiliation site (col. 9, lines 9-20).

Teper does not explicitly disclose determining, by the service provider site, whether the user is a member of the affiliation site based on whether the request includes the identifier of the affiliation site.

However, in an analogous art, Klug discloses the user may register at various third party websites that are affiliated with the registrar web site in an agreement reached between each such third party web site and the registrar web site. The registrar maintains a log of the third party websites requesting registration information (column 5, lines 20-50).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Klug's determining whether the access request is made via one of the affiliation sites based on the identifier of one of the affiliation sites in Teper's system in order for the registrar web site to determine the frequency and type of access of third party web sites by users.

As per claim 12, Teper does not explicitly disclose:

- Wherein the service provider site receives the request with an identifier indicating that the user is a member of the affiliation site and determines whether the user is a member of the affiliation site based on the identifier.

However, in an analogous art, Klug discloses the user may register at various third party websites that are affiliated with the registrar web site in an agreement reached between each such third party web site and the registrar web site. The registrar maintains a log of the third party websites requesting registration information (column 5, lines 20-50).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Klug's determining whether the access request is made via one of the affiliation sites based on the identifier of one of the affiliation sites in Teper's system in order for the registrar web site to determine the frequency and type of access of third party web sites by users.

As per claim 13, Teper discloses:

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- Wherein the service provider site modifies the home page of the service provider site based on the identifier of the affiliation site when it is determined that the user is a member of the affiliation site (col. 2, lines 45-47, col. 3, lines 20-25, col. 4, lines 17-21, col. 5, lines 33-37, col. 6, lines 50-53, col. 7, lines 35-37 and 47-50).

As per claim 14, Teper does not explicitly disclose:

- Wherein the service provider site updates charging information for the user and charges the affiliation site when it is determined that the user is a member of the affiliation.

However, in an analogous art, Klug discloses such measurements may be important in determining fees that can be charged (column 1, lines 40-45).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Klug's determining charge in Teper's system in order to gain payment for services rendered.

Response to Arguments

The Office notes the following arguments:

- (a) Neither Teper nor Klug teach an affiliation site which acts as a buffer between the user and a service provider site.
- (b) The references do not disclose teach or suggest storing user verification data and an identifier of the affiliation site which is affiliated with the service provider site.
- (c) The references do not disclose transmitting an access request from the affiliation site to the service provider site with the identifier of the affiliation site when the affiliation site receives an access request.
- (d) Klug does not relate to determining whether the response information is transmitted from one of the affiliation sites based on whether the access request includes the identifier of the affiliation sites.

3. Applicant's arguments filed have been fully considered but they are not persuasive.

In response to:

- (a) In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., an affiliation site which acts as a buffer between the user and a service provider site) are not recited in the rejected claim(s). Although the claims are interpreted in light

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of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

(b) Teper discloses the Online Brokering Service (service provider) includes one or more databases for storing account information with respect to the users and Service Providers (affiliation site) (column 6, lines 14-20, column 8, lines 54-58). Teper explicitly discloses storing user verification data and an identifier of the affiliation site which is affiliated with the service provider site.

(c)-(d) Klug teaches the third party site providing the registrar its user identification and a password for requesting that the third party web site access the registrar web site to obtain the user's registration information (column 6, lines 3-10). Klug, therefore, clearly discloses transmitting an access request from the affiliation site to the service provider site with the identifier of the affiliation site when the affiliation site receives and access request and determining whether the response information is transmitted from one of the affiliation sites based on whether the access request includes the identifier of the affiliation sites.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barbara N. Burgess whose telephone number is (571) 272-3996. The examiner can normally be reached on M-F (8:00am-4:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Barbara N Burgess
Examiner
Art Unit 2157

August 22, 2005


ABDULLAH SALAM
Primary Examiner